

DOCKET FILE COPY ORIGINAL

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Received & Inspected

SEP 17 2008

FCC Mail Room

September 9, 2008

CC Docket No. 96-45 and CC Docket No. 02-6
Request for Waiver

Company Name: Great Western Network Interactive Television Consortium

Billed Entity Name: Great Western Network (GWN)

Form 471 Application Number: 609143

Funding Request Number: 1698892

Name: Bill Strasser

Address: Washburn High School / P.O. Box 280 / 713 7th Street

City/State/Zip: Washburn, North Dakota 58577-0280

Phone Number: 701-462-8260

Fax Number: 701-462-3575

Email Address: bill.strasser@sendit.nodak.edu

Please consider this Waiver Request letter in our appeal of the USAC decision to deny funding for Form 471 Application Number 609143 (FRN 1698892). I have attached the decision letter that was dated August 26, 2008 along with other documents that will hopefully help clarify our request.

Summary regarding this request:

July 11, 2007 – All GWN member schools attend annual meeting at which time they complete and sign authorization forms for Letters of Agency (LOA) allowing Bill Strasser to handle their erate applications.

Nov 26, 2007 – GWN Executive Board meets and gives the go ahead to start planning a merge with non-member schools in Hettinger, Scranton, Bowman, Mott-Regent and New England, (known as the Spice Network Interactive Television Consortium)

Dec. 6, 2007 - Schools from Hettinger, Scranton, Bowman and Mott-Regent (previously known as the Spice Network Consortium) met with GWN director Bill Strasser to work out details of a planned merge of consortiums. At this meeting, authorization was given to Bill Strasser to work with erate applications.

No. of Copies rec'd 0
List ABCDE

Dec 10, 2007 – Director Bill Strasser filed 470 application 107640000648120 which will allow connection of the Spice Network to the Great Western Network (GWN).

January 30, 2008 – Contract awarded to Midcontinent Communications (SPIN 143001179) for \$175,500.

March 12, 2008 -- Notified by USAC that Great Western Network had been selected for a consortium review of all applications. Requests for Letters of Agency were requested by Douglas May, Schools and Libraries Division. All LOA's were on hand for GWN schools but not for the schools that were part of the new merge. (Spice Network Schools).

March 12-19, 2008 - Bill Strasser faxes the Spice Network schools the LOA forms that GWN uses at our annual meeting to reconfirm that Bill Strasser would be given authorization to complete erate applications for them. These forms were promptly signed, dated and returned to the GWN office and forwarded on to Douglas May.

May 8, 2008 – GWN was informed by Douglas May that the FRN would be denied because the LOAs were signed after the Certified Postmark Date.

August 26, 2008 – Official notice given by USAC that FRN 1698892 had been denied because the Letters of Agency were not signed before the 471 Certification Postmark Date.

Comments: GWN is asking the FCC to look at the timeline and circumstances outlined above and see that the intent for authorization was indeed met in a timely matter, (December 6th meeting) albeit not in the proper form. The circumstances involving these schools wishing to merge with our network at such a late time frame caused the normal procedure for the filing of LOA's at our annual meeting in July to be overlooked. When the LOA's were faxed back to the GWN office between March 12th and 19th at the request of USAC, Bill Strasser should have instructed the new schools to postdate their signature to meet the compliance date. The failure to have the correct date of authorization has jeopardized the merge of these two networks. Should the FCC overturn the decision of USAC and waive the date ruling, the two networks would be able to continue with their goal of providing students of the newly merged schools with the additional curriculum that GWN has to offer. Thank you for your consideration of our request. I would be glad to provide additional information upon request.

Bill Strasser

Bill Strasser
Great Western Network, Director
Washburn School
Washburn, North Dakota 58577

9 / 11 / 08
Date



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2008: 07/01/2008 - 06/30/2009)

August 26, 2008

Bill Strasser
GREAT WESTERN NETWORK
WASHBURN SCHOOL 713 7TH STREET
WASHBURN, ND 58577

Re: Form 471 Application Number: 609143
Billed Entity Number (BEN): 147500
Billed Entity FCC RN: 0012028023
Applicant's Form Identifier: Yellowstone08

Thank you for your Funding Year 2008 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$110,565.00 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 609143 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2008," AND
 - The exact text or the decision that you are appealing.

FUNDING COMMITMENT REPORT
Billed Entity Name: GREAT WESTERN NETWORK
BEN: 147500
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 609143
Funding Request Number: 1698892
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 107640000648120
SPIN: 143001179
Service Provider Name: Midcontinent Communications
Contract Number: NA
Billing Account Number: 701-462-8260
Multiple Billing Account Numbers: N/A
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 01/30/2008
Contract Expiration Date: 06/30/2013
Shared Worksheet Number: 964272
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$175,500.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$0.00
Pre-discount Amount: \$175,500.00
Discount Percentage Approved by the USAC: 63%
Funding Commitment Decision: \$0.00 - Consortium
Funding Commitment Decision Explanation: Funding was denied because the Letters of Agency or other documentation authorizing the filing of the Form 471 were not signed before the 471 Certification Postmark Date.

FCDL Date: 08/26/2008

Wave Number: 020

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2009

II.

Based on the documentation that you have provided, FRN FRN 1698892 for application 609143 **will be denied. The FRN will be denied because the request is for service to ineligible entities or locations.** Listed below are the ineligible entities or location: (The LOAs were signed after the Certified Postmark Date)

Entity #	Entity Name
67000	BOWMAN COUNTY HIGH SCHOOL AT BOWMAN
67011	HETTINGER SCHOOL
67017	NEW ENGLAND PUBLIC SCHOOL
67024	SCRANTON SCHOOL

If the FRN should not be denied and you have alternative information, please provide the supporting documentation.

If you fail to respond to this email within 15 days, we will perform the action(s) listed above.

Response:

The intent of these schools to allow Bill Strasser to be authorized to submit erate documents can be seen in the minutes of a meeting held December 6, 2007. According to the USAC web site under the Letters of Agency, it states: "Other vehicles to establish this authorization could be a project agreement, a contract, a letter agreement, or other similar document."

I will submit a copy of these minutes with this response in hopes that you will consider it as evidence that these schools authorized Bill Strasser to submit and complete all erate forms needed on behalf of them. Normally the LOA's would have been filled out at our annual meeting in July. However; these schools are planning on joining our consortium pending erate approval.

GWN and Spice Consortium Joint Meeting

December 6, 2007

Minutes:

The meeting was called to order by Supt. John Pretzer, Scranton School. Others in attendance included:

Brian Chrisopherson, Supt. – Hettinger School
Mark Perkins, Tech Coord. – Scranton School
Bill Strasser, Director – Great Western Network-Washburn School
Tony Duletski, Supt. – Bowman School
Myron Schweitzer, Supt. – Mott-Regent School

There was discussion on the procedures that would be necessary to disband the Spice Network Consortium and merge with the Great Western Network (GWN) for the 2008-09 school year and beyond. All schools present have indicated that their school boards have agreed to join GWN. Bill indicated that GWN has approved the merge as well.

Bill Strasser presented a financial report of the associated costs for upgrading the distance learning labs. Some of the lab equipment is 10 to 15 years old and needs replacing.

The North Dakota Educational Technology Council has an upcoming grant round which would require a 40-60 match for classroom equipment. The cap is \$10,000 per school. The grant application deadline is January 11, 2008. Bill was authorized to submit a grant on behalf of the Spice member schools. A signature from each school board president supporting the ETC grant would be required along with the application. It was noted that the New England School is also interested in joining the Great Western Network and an application will be filled out on their behalf as well.

← Note Authorization

The Erate filing window will close on December 27, 2007. It will be necessary to fill out a new 470 for the new telecommunications service as we will be changing from Mpeg technology to h.323 and more than likely a new service provider. Bill Strasser was authorized to fill out the necessary erate forms on behalf of the Spice Network Schools.

The principals will be meeting on January 8th at 10:00 in Hettinger to work on next years distance learning schedule. The GWN class times match the Spice Network times fairly close, but some adjustments will need to be made for a uniform bell schedule.

The common calendar for next year has been approved and was handed out. School will start August 23rd, 2008 and end on May 16th, 2009.

The next meeting of the Spice school administrators will be in May. Mr. Pretzer will establish the day and time and email everyone. Meeting adjourned.

Letters of Agency – Great Western Network (GWN)

To: Superintendents of Great Western Network Consortium Schools
From: Bill Strasser, Director
Date: July 11, 2007

The USAC Schools and Libraries Division has requested that our consortium indicate through Letters of Agency that the director of GWN be authorized to represent each of the consortium schools in the application process. (Only required for schools leasing fiber services)

The name of the person filing the application - Bill Strasser, Director of GWN

Type of services covered by Letters of Agency - Telecommunications

The entity authorizing the filing of the application – (Your school name –

example : Washburn School, Hazen School) - Scranton School

The name of the person authorizing the filing of the application

Please print your name - John Pretzer

The timeframe that this Letter of Agency covers – Funding Year 11 – 2008-09 school year

The signature and title of the person authorizing the filing of the application

John Pretzer Superintendent 3/19/2008
Signature Title Date

Letters of Agency – Great Western Network (GWN)

To: Superintendents of Great Western Network Consortium Schools
From: Bill Strasser, Director
Date: July 11, 2007

The USAC Schools and Libraries Division has requested that our consortium indicate through Letters of Agency that the director of GWN be authorized to represent each of the consortium schools in the application process. (Only required for schools leasing fiber services)

The name of the person filing the application - Bill Strasser, Director of GWN

Type of services covered by Letters of Agency - Telecommunications

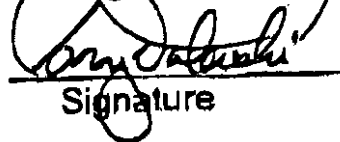
The entity authorizing the filing of the application – (Your school name – example : Washburn School, Hazen School) - Bowman County High School


The name of the person authorizing the filing of the application

Please print your name - Tony Duletski

The timeframe that this Letter of Agency covers – Funding Year 11 – 2008-09 school year

The signature and title of the person authorizing the filing of the application


Signature


Title

3/13/08
Date

Letters of Agency – Great Western Network (GWN)

To: Superintendents of Great Western Network Consortium Schools
From: Bill Strasser, Director
Date: July 11, 2007

The USAC Schools and Libraries Division has requested that our consortium indicate through Letters of Agency that the director of GWN be authorized to represent each of the consortium schools in the application process. (Only required for schools leasing fiber services)

The name of the person filing the application - Bill Strasser, Director of GWN

Type of services covered by Letters of Agency - Telecommunications

The entity authorizing the filing of the application – (Your school name – example : Washburn School, Hazen School) - Hettinger School

The name of the person authorizing the filing of the application

Please print your name - Brian Christopherson

The timeframe that this Letter of Agency covers – Funding Year 11 – 2008-09 school year

The signature and title of the person authorizing the filing of the application

B-D. Christ
Signature

Sup't
Title

3/13/08
Date

Letters of Agency – Great Western Network (GWN)

To: Superintendents of Great Western Network Consortium Schools

From: Bill Strasser, Director

Date: July 11, 2007

The USAC Schools and Libraries Division has requested that our consortium indicate through Letters of Agency that the director of GWN be authorized to represent each of the consortium schools in the application process. (Only required for schools leasing fiber services)

The name of the person filing the application - Bill Strasser, Director of GWN

Type of services covered by Letters of Agency - Telecommunications

The entity authorizing the filing of the application – (Your school name –

example : Washburn School, Hazen School) - New England Public School

The name of the person authorizing the filing of the application

Please print your name - Kelly Rasch

The timeframe that this Letter of Agency covers – Funding Year 11 – 2008-09 school year

The signature and title of the person authorizing the filing of the application

Kelly Rasch
Signature

Sup
Title

3/12/08
Date